



C.M.A(MD)No.422 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.06.2026

CORAM:

**THE HON'BLE MR JUSTICE N.ANAND VENKATESH
AND
THE HON'BLE MRS JUSTICE S.SRIMATHY**

**C.M.A(MD)No.422 of 2025
and CMP (MD) No.7524 of 2025**

The Branch Manager
The New India Assurance Company Ltd.,
Sethu Amirtham Towers,
Near Nallaiya Complex,
Santhapillai Gate, Thanjavur.

... Appellant(s)

Vs.

1. Kadalmani
2. Minor Santhosh
3. Minor Nithish
(Minor 2nd and 3rd Respondents are represented by R1)
4. Chinnadurai
5. Udhayakumar

... Respondents

PRAYER:- Civil Miscellaneous Appeal filed under section 173 of Motor Vehicles Act to set aside the Award passed in M.C.O.P No.569 of 2023 dated 29.10.2024 on the file of the Motor Accident Claims Tribunal, Special district Court, Thanjavur.

For Appellants : Mr. J.S.Murali
For Respondents : No appearance



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J U D G M E N T
**(Judgment of the Court was delivered by
N.ANAND VENKATESH, J.)**

This appeal has been filed by the Insurance Company challenging the award passed by the Motor Accident Claims Tribunal, Special District Court, Thanjavur in M.C.O.P.No.569 of 2023 dated 29.10.2024.

2. The respondents are the claimants. The respondent Nos.1 to 3 are the wife and sons of the deceased respectively. The case of the respondents is that on 02.09.2022, at about 10.15 p.m., while the deceased was a pedestrian on the road, the driver of the fourth respondent rode the two-wheeler in a rash and negligent manner and dashed against the deceased from behind, as a result of which, the deceased sustained grievous injuries. He was taken to the Budalur Government Hospital for first aid and was subsequently admitted as an in-patient, where he was given treatment in Thanjavur Medical College and Hospital till 04.09.2022. Subsequently, he succumbed to the injuries on 04.09.2022.



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An FIR came to be registered in Crime No. 390 of 2022. It is under these circumstances, the claim petition came to be filed before the tribunal.

3. The Tribunal, on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the accident had taken place due to the rash and negligent driving on the part of the driver of the offending vehicle.

4. Having rendered the above finding, the Tribunal proceeded to determine the compensation amount in the following manner:

Head	Amount
Loss of Income	Rs.23,52,060/-
Spousal Consortium to the 1 st respondent, wife of the deceased	Rs.44,000/-
Parental Consortium to the 2 nd and 3 rd respondent, sons of the deceased	Rs.88,000/-
Funeral Expenses	Rs.16,500/-
Loss of Estate	Rs.19,800/-
Total	Rs.25,20,360/-

The above compensation amount of Rs.25,20,360/- was



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directed to be paid along with interest at the rate of 7.5% per annum from the date of the petition. However considering the fact that the driver of the offending vehicle did not possess a valid driving license, pay and recover was ordered.

5. The Insurance Company has filed the present appeal mainly on the ground that the driver of the offending vehicle did not possess a valid driving license and therefore, pay and recover ought not to have been ordered.

6. This Court carefully considered the submissions made by the learned counsel appearing for the appellant and also the award passed by the Tribunal.

7. The ground that was taken by the learned counsel appearing for the appellant is to the effect that the Tribunal ought not to have ordered for pay and recover. The said ground is squarely covered by the judgment of this Court in a batch of appeals in CMA.(MD).No.517 of 2025 etc, dated 01.06.2026. Hence, this Court does not find any illegality in the order passed by the Tribunal applying the principle of pay and recover.



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8. Insofar as the quantum of compensation is concerned, this Court finds that the Tribunal has fixed a fair and just compensation and it does not require the interference of this Court.

9. It is brought to the notice of this Court by the learned counsel appearing for the Insurance Company that the entire award amount has already been deposited before the Tribunal.

10. In the result, this Civil Miscellaneous Appeal stands dismissed. The claimants will be entitled to withdraw the compensation amount in the proportion as fixed by the Tribunal. No costs. Consequently connected Miscellaneous Petition is closed.

[N.A.V., J.] [S.S.Y., J.]
08.06.2026

NCC :Yes/No
Index :Yes/No
RR



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1.The Motor Accident Claims Tribunal, Special district Court,
Thanjavur.

2.The Record Keeper (Vernacular Records),
Madurai Bench of Madras High Court, Madurai.



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AND
S.SRIMATHY,J.

RR

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